

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

RONNIE GILES,)
)
Plaintiff,)
)
vs.) CAUSE NO. 3:06 CV 528-WKW
)
MASTERBRAND CABINETS, INC.)
)
Defendant.)

DEFENDANT'S OBJECTIONS TO PLAINTIFF'S
PROPOSED VOIR DIRE QUESTIONS

Defendant Masterbrand Cabinets, Inc. ("MBCI") respectfully submits the following response and objections to the plaintiff's proposed voir dire questions:

1. Question 1: MBCI objects to Plaintiff's proposed voir dire question number one (1). Neither party is a labor union. Nor do any of the issues in this case relate to union organizing, disputes between management and labor unions, or any other issues involving labor unions. Finally, the workforce at the Auburn facility is not even represented by a union. Accordingly, MBCI contends that this question would not yield information relevant to determining the prospective jurors' impartiality on issues in this case and could improperly suggest to those who ultimately join the jury pool that matters involving labor unions somehow are involved in this case.

2. Question 11: MBCI objects to Plaintiff's proposed voir dire question number eleven (11). As previously discussed, there are no matters relating to labor unions involved in this case. Accordingly, the reference to internal grievances is

inappropriate for the reasons explained in paragraph one (1) above. Additionally, there are no allegations of discrimination related to union membership status, race, age, religion, sex, or any other protected status involved in this case. Finally, the workforce at the Auburn facility is not even represented by a union. Accordingly, MBCI objects to this question on the grounds that it would not yield information relevant to determining the prospective jurors' impartiality on issues in this case and could improperly suggest to those who ultimately join the jury pool that this case presents issues involving allegations of discrimination.

3. Question 13: MBCI objects to Plaintiff's proposed voir dire question number thirteen (13). Neither party in this case is an insurance company. None of the issues of law or fact in this case pertain to insurance companies, insurance policies or agreements, insurance coverage, or any other issue relating to insurance. Accordingly, MBCI objects to this question on the grounds that it would not yield information relevant to determining the prospective jurors' impartiality on issues in this case and could improperly suggest to those who ultimately join the jury pool that this case presents insurance or insurance company-related issues.

4. Question 14: MBCI objects to Plaintiff's proposed voir dire question number fourteen (14) to the extent it refers to the location of MBCI's counsel for the reasons explained in MBCI's Motion in Limine at pages 13-14.

5. Questions 17 and 18: MBCI objects to Plaintiff's proposed voir dire questions numbers seventeen (17) and eighteen (18). MBCI objects to Plaintiff's attempt to highlight racial differences between Plaintiff and MBCI's witnesses in this case. There

is no claim of racial discrimination at issue in this matter and highlighting so directly on the race of the witnesses in this case will therefore not yield information relevant to determining the prospective jurors' impartiality on issues in this case. Additionally, MBCI maintains Plaintiff's proposed voir dire question number 18 is unnecessary. Contrary to Plaintiff's commentary at page 4 of its Response to Defendant's Motion in Limine suggesting that MBCI's counsel harbors antiquated misconceptions regarding the venire, MBCI, unlike Plaintiff, is confident that the venire will be sufficiently sophisticated to understand that this case concerns a claim under the Family and Medical Leave Act and not a race discrimination claim.

Respectfully submitted,

s/Kelley Bertoux Creveling

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CERTIFICATE OF SERVICE

I certify that on August 16, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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